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REMARKS

Claims 1, 4, and 6 have been amended. Claims 1 – 6 are pending in this Application. Reconsideration and further examination is respectfully requested.

Specification

The disclosure was objected to because of informalities. Accordingly, the Brief Description of the Drawings has been amended to accurately refer to Figures 8A, 8B, 18A, 18B, 33A, and 33B.

Claim Objections

Claims 1 and 4 were objected to because of informalities. Claims 1 and 4 have been amended to correct the cited informalities.

Claims Rejections – 35 USC § 102

Claims 1 – 6 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. US 2004/0054767 A1 by Karaoguz et al. (hereinafter “Karaoguz”). This rejection is respectfully traversed.

The Applicants’ exemplary claim 1 sets forth:

“A program product for use in an access point in a wireless communications environment including multiple access points and stations, wherein stations gain network access by associating with one or more of the access points, the program

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product comprising a computer readable medium having embodied therein a computer program for storing data, the computer program comprising:  
logic for keeping track of one or more parameters related to stations in the network;  
logic for evaluating the parameters to produce an evaluation; and  
logic for causing a station to become associated with the access point based upon the evaluation."

Karaoguz describes a network configuration device (central server 401) for interacting with access points (410a-e). In the system of Karaoguz, access points collect information from network devices (415a-n) and send the information elsewhere for evaluation (paragraphs 0024 – 0026). Access points do not evaluate the information received either from the network devices or the central server, nor do they cause network devices to associate to them based upon the evaluation.

Though the Applicants' invention does not preclude use of a central server, an access point in accordance with the Applicants' invention does evaluate parameters related to stations in the network, no matter from where they are received. The access point of the Applicants' invention further causes a station to become associated with it based upon that evaluation.

Since Karaoguz fails to teach or suggest an access point that includes logic for evaluating parameters related to stations in the network and logic for causing a station to become associated with the access point based upon the evaluation, the Applicants respectfully assert that claim 1 and its dependent claims 2 – 5 are in condition for allowance. The Applicants' independent claim 6 includes similar limitations. The Applicants therefore respectfully assert that claims 1 – 6 are in condition for allowance.

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Double Patenting

Claims 1 – 6 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 – 6 of copending Application No. 10/781,458. This rejection will be re-evaluated upon issuance of the claims in either application, and a terminal disclaimer filed if necessary.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone the undersigned, Applicants' Attorney at 978-264-6664 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

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Date

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